

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 11TH MAY 2007 / 21ST VAISAKHA 1929

WP(C).No. 14805 of 2007(K)

PETITIONER:

**ESSAR TOWER INFRASTRUCTURE (P) LTD.,
41/256, C-19, SECOND FLOOR, MATHER SQUARE,
OPP.NORTH RAILWAY STATION, COCHIN-682 018,
REPRESENTED BY EXECUTIVE (SITE ACQUISITIONS &
ADMINISTRATION), MR.RAHUL DAS.**

**BY ADV. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN**

RESPONDENT:

**KODUR GRAMA PANCHAYAT,
KODUR P.O., PIN-676 504.**

BY SRI.N.MANOJ KUMAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C) No.14805/2007

APPENDIX

PETITIONER'S EXHIBITS

**EXT.P1: PHOTOCOPY OF THE ORDER DATED 28.04.2007 ISSUED BY THE
RESPONDENT.**

**EXT.P2: PHOTOCOPY OF THE JUDGMNT IN WP(C) NO.179/06 DATED
9.1.2006 OF THIS HON'BLE COURT.**

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ANTONY DOMINIC, J.
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W.P.(C) NO. 14805 OF 2007
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Dated this the 11th day of May, 2007

J U D G M E N T

The prayer made in this writ petition is to quash Ext.P1, a communication issued by the first respondent Panchayat, declining permission to the petitioner for the installation of a cellular mobile tower on the ground that objection has been raised by the residents in the locality. This issue has already been considered by this court in various cases including **Reliance Infocomm v. Chemancherry Grama Panchayat (2006(4) KLT 695)** and WP(C) No.179/06, the judgment of which is produced as Ext.P2. In these judgments, it has been clarified that an application as made by the petitioner is in compliance with the statutory provisions governing the same, the objections raised by the residents of the locality would be irrelevant while considering the same.

2. In the circumstances stated above, I quash Ext.P1 and direct the respondent Panchayat to reconsider the application made by the petitioner in the light of the decisions referred above

and the statutory provisions governing the same. A decision in this regard shall be passed as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment.

3. Petitioner is directed to produce a copy of this judgment before the respondent for compliance.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp